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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,607	04/30/2001	Gerard Harbers	PHNL 000222	4771
24737	7590	11/16/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			NGUYEN, CHANH DUY	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2675	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/846,607

Applicant(s)

HARBERS ET AL.

Examiner

Chanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 23, 2005 has been entered.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

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- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### ***Drawings***

2. The drawings are objected to because Figure 1A does not label the rectangular boxes as required by Rule 1.83. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

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corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Obviousness Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 09/837937 in view of Yamada et al (U.S. Patent No. 6,556,181 B2).

<b>Claim 14 of this application 09/846,607</b>	<b>Claim 9 of the application 09/837,937</b>
An illumination system for use with a display device, comprising:	An illumination system for use with a display device, the display device provided with a pattern of pixels driven by a control circuit, the illumination system for illuminating the display device and

	comprising:
a light-emitting panel;	a light-emitting panel; and
at least one light source associated with the light-emitting panel, the at least one light source comprising at least three light-emitting diodes having different light emission wavelengths, <u>the light emitting diodes associated with color filters in the display device</u> ; and	at least one light source associated with the light-emitting panel; wherein the light source comprises at least three set of light-emitting diodes , each set of light emitting diodes having different light emission wavelengths, the light emitting panel capable of providing light to the display device; and
a controller operable to drive the at least three light emission wavelengths and thereby change a color temperature and illumination level of a picture to be displayed by display device, wherein an intensity of light emitted by the light emitting diodes varies in response to an illumination level of the picture to be displayed by the display device.	wherein control circuit is operable to drive luminous fluxes of the light-emitting diodes in dependence upon an image to be displayed by the display device.

Note the comparison claim 14 of the instant application and claim 9 of the application 09/837,937. The different from claim 14 of this application and claim 9 of the application 09/837,937 in that the limitation "the light emitting diodes associated with color filters in

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the display device " is additionally recited. Yamada teaches using color light emitting diodes (LEDs) as a light sources (see column 7, lines 44-63) for liquid crystal display panel . Yamada also teaches the red, green , blue color light beams pass through the display panel having RGB color filters (see column 1, lines 15-41) and column 7,lines 3-10. This reads on the limitation " the light emitting diodes associated with color filters in the display device " as recited in the claim. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used color filters as taught by Yamada to the light emitting diodes claim 9 of the application 09/837,937 since the display system having color filters of Yamada can reduce the refresh rate of red/blue video data while maintaining a high refresh rate for green video data (see column 7, lines 4-10 of Yamada.

This is a provisional obviousness-type double patenting rejection.

5. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,840,646 B2 in view of Yamada et al (U.S. Patent No. 6,556,181 B2).

<b>Claim 14 of this application 09/846,607</b>	<b>Claims 8 and 14 of U.S. 6,840,646</b>
An illumination system for use with a display device, comprising:	An illumination system for illuminating a display device, comprising:
a light-emitting panel;	a light-emitting panel; and
at least one light source associated with the light-emitting panel, the at least one	a light source arranged to couple light from the light source into the light-emitting

<p>light source comprising <u>at least three light-emitting diodes having different light emission wavelengths, the light emitting diodes associated with color filters in the display device</u>; and</p>	<p>panel, wherein the light source comprises; at least one electric discharge lamp having, in normal operation, a fixed electromagnetic spectrum,</p>
<p>a controller operable to drive the at least three light emission wavelengths and thereby change a color temperature and illumination level of a picture to be displayed by display device, wherein an intensity of light emitted by the light emitting diodes varies in response to an illumination level of the picture to be displayed by the display device.</p>	<p>and at least one light emitting diode chosen so as to adjust the color temperature of the light emitted by the light source such that the color point of an image displayed by the display device is adjusted independently of the display device illuminated by the light source.</p> <p>Claim 14. Control electronics for selectively adjusting, during normal operation of the illumination system, the luminous flux of the at least one light emitting diode dependent upon the illumination level of an image displayed by the display device.</p>



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Note the comparison claim 14 of the instant application and claims 8, 14 of the U.S.

Patent No. 6,840,646. The different from claim 14 of this application and claims 8 and

14 of the U.S. Patent No. 6,840,646 in that the limitation "at least three light-emitting

diodes having different light emission wavelengths, the light emitting diodes associated

with color filters in the display device" is additionally recited. Yamada teaches using

color light emitting diodes (LEDs) as a light sources (see column 7, lines 44-63) for

liquid crystal display panel. Yamada also teaches the red, green, blue color light

beams having different wavelengths (see Fig. 4) pass through the display panel having

RGB color filters (see column 1, lines 15-41) and column 7, lines 3-10. This reads on

the limitation "at least three light-emitting diodes having different light emission

wavelengths, the light emitting diodes associated with color filters in the display device "

as recited in the claim. Therefore, it would have been obvious to one of ordinary skill in

the art at the invention was made to have used three light-emitting diodes having

different light emission wavelengths as well as color filters as taught by Yamada to the

light emitting diodes claims 8 and 14 of the U.S. Patent No. 6,840,646 since the display

system having color filters of Yamada can reduce the refresh rate of red/blue video data

while maintaining a high refresh rate for green video data (see column 7, lines 4-10 of

Yamada.

This is a provisional obviousness-type double patenting rejection.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the obviousness double patenting has been added for new ground of rejection.

As to amendments to the specification, Applicant argues that *"the use of heading is preferred but not required under 37 C.F.R 1.77(b). As a results, the applicant respectfully declines to add section headings to the specification"*. However, 37 C. F.R. 1.77(b) states that **"the specification of a utility application should include the following sections in order**. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading..." Although 37 C.F.R 1.77(b) does not require the headings, but the specification of a utility application **should** include the following sections in order so that each of sections such as background, drawings etc. can be easily identified by a reader. It is the best interest of the patent community the applicant, in his/her normal review and/or adding headings each of the sections, to take into consideration these editorial situations and make changes as necessary.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (571) 272-7772. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Chanh Nguyen  
Primary Examiner  
Art Unit 2675

  
C. Nguyen  
November 1, 2005